

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GUILLERMO RUIZ,

Plaintiff,

v.

No. CIV 13-0236 JB/LAM

STATE OF NEW MEXICO,

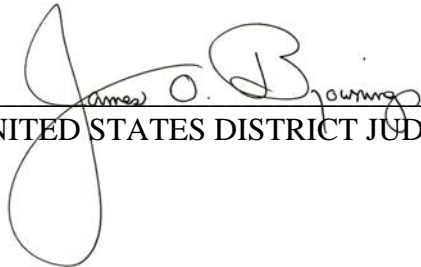
Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Plaintiff's Request, filed March 20, 2013 (Doc. 4). In the Request, Plaintiff Guillermo Ruiz asks the Court to dismiss his Restraining Order Form, filed March 7, 2013 (Doc. 1)("Complaint"). The Court construes the Request as a notice of dismissal under rule 41(a)(1)(A)(I) of the Federal Rules of Civil Procedure. See Janssen v. Harris, 321 F.3d 998, 1000 (10th Cir. 2003) (affirming construction of "pro se letter . . . requesting that the case be dismissed without prejudice" as notice under former rule 41(a)(1)(I)). No party has served "either an answer or a motion for summary judgment," Fed. R. Civ. P. 41(a)(1)(A)(I), and thus Ruiz may dismiss his complaint without an order, see Fed. R. Civ. P. 41(a)(1)(A). "Once the notice of dismissal has been filed, the district court loses jurisdiction over the dismissed claims and may not address the merits of such claims or issue further orders pertaining to them." Duke Energy Trading & Mktg., L.L.C. v. Davis, 267 F.3d 1042, 1049 (9th Cir. 2001), quoted in Janssen v. Harris, 321 F.3d at 1000. The Court will dismiss Ruiz's Complaint.

Attached to Ruiz's Request is a letter inquiring about a motion to substitute counsel that Ruiz allegedly sent to the Clerk. The Court's docket indicates no such motion in any of the several proceedings listed on the docket under Ruiz's name.

IT IS ORDERED that the Plaintiff's Request, filed March 20, 2013 (Doc. 4), construed as a notice of dismissal under rule 41(a)(1)(A)(I) of the Federal Rules of Civil Procedure, is granted. Plaintiff Guillermo Ruiz's Restraining Order Form, filed March 7, 2013 (Doc. 1) is dismissed without prejudice; and this action is dismissed.



UNITED STATES DISTRICT JUDGE

Parties:

Guillermo Ruiz
Chaparral, New Mexico

Plaintiff pro se